

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
2011 JUN -2 P 3:56

UNITED STATES OF AMERICA

\*

CLERK'S OFFICE  
AT BALTIMORE

v.

\*

BY 1/10 DEPUTY

Criminal No. ELH-11-253

LEON DOMAN,

\*

\*

\*\*\*\*\*

MOTION TO SUPPRESS STATEMENTS

The Defendant through counsel, James Wyda, Federal Public Defender for the District of Maryland, and Franklin W. Draper, Assistant Federal Public Defender, hereby respectfully moves this Honorable Court, pursuant to Rule 12(b)(3) of the Federal Rules of Criminal Procedure, to suppress any and all statements, admissions and confessions allegedly given by the Defendant, whether oral, written or otherwise recorded, which the government proposes to use as evidence against the Defendant at trial, and in support of the motion alleges as follows:

1. The defendant is charged in a two count indictment with Interference with Possession of a Firearm in by a Prohibited Person in violation of 18 U.S.C. § 922(g), and Fraud Related to Identity Documents in violation of 18 U.S.C. § 1028(a)(3) & (c)(1). On May 12, 2011, the defendant was arraigned, and entered a plea of not guilty to all counts.

2. Discovery and information provided by the government indicates that the defendant was questioned by law enforcement officers on or about November 23, 2010. The government intends to introduce these statements at the trial of this matter. It is also possible that the government

may attempt to introduce other statements made by the defendant to law enforcement officers at the defendant's trial.

3. Information provided by the government indicates that these alleged statements were potentially obtained in violation of the Fifth and Sixth Amendments to the United States Constitution, and in violation of the Supreme Court's decision in *Miranda v. Arizona*, 384 U.S. 436 (1966).<sup>1</sup>

4. The defendant is entitled to a hearing regarding the voluntariness of any statements, admissions, or confessions attributed to him in accordance with the provisions of Title 18 U.S.C. §3501 and the principles set forth in the case of *United States v. Inman*, 352 F.2d 954 (4th Cir. 1965).

---

<sup>1</sup> In *Dickerson v. United States*, 530 U.S. 428 (2000), the Supreme Court affirmed *Miranda*, and held 18 U.S.C. § 3501 is unconstitutional insofar as it overruled *Miranda*. We assume that the procedures specified in § 3501 to determine voluntariness of a statement that are not in conflict with *Miranda* survive.

**WHEREFORE**, the Defendant moves that all statements, admissions and confessions which the government proposes to use as evidence against him, whether oral, written or otherwise recorded, be suppressed.

Respectfully submitted,

JAMES WYDA  
Federal Public Defender

\_\_\_\_\_/s/\_\_\_\_\_  
FRANKLIN W. DRAPER (#26316)  
Assistant Federal Public Defender  
100 South Charles Street  
Tower II, 9<sup>th</sup> Floor  
Baltimore, Maryland 21201  
(410) 962-3962  
Fax: (410) 962-0832  
frank\_draper@fd.org

**MEMORANDUM OF POINTS AND AUTHORITIES**

1. Fifth Amendment to the United States Constitution
2. Sixth Amendment to the United States Constitution
3. *Miranda v. Arizona*, 384 U.S. 436 (1966).
4. *United States v. Inman*, 352 F.2d 954 (4th Cir. 1965).
5. *Dickerson v. United States*, 530 U.S. 428 (2000).

**REQUEST FOR HEARING**

Pursuant to Rule 105.6 of the Local Rules of the United States District Court for the District of Maryland, a hearing is requested on the defendant's motion.

\_\_\_\_\_/s/\_\_\_\_\_  
FRANKLIN W. DRAPER  
Assistant Federal Public Defender

## CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2011, the foregoing motion was served by e-mailing an electronic copy upon the following counsel:

**Tamera Fine, Esquire**  
**Assistant United States Attorney**  
**36 South Charles Street, Fourth Floor**  
**Baltimore, Maryland 21201**

/s/ FRANKLIN W. DRAPER (#26316)  
Assistant Federal Public Defender